FILE NO. A04-955

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against JAMES P. MULVAHILL,
a Minnesota Attorney,
Registration No. 151932.

STIPULATION FOR DISCIPLINE

THIS STIPULATION is entered into by and between Kenneth L. Jorgensen, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and James P. Mulvahill, attorney, hereinafter respondent.

Respondent is currently the subject of an August 23, 2004, amended petition for disciplinary action. On September 17, 2004, the parties entered into a stipulation for discipline in which respondent admitted the allegations and the parties agreed that the appropriate discipline was an indefinite suspension for a minimum period of five years. On November 24, 2004, the Supreme Court ordered that the discipline provided for by the parties' stipulation was "inadequate and that disbarment may be warranted."

On December 13, 2004, the Director filed a supplementary petition for disciplinary action. On February 18, 2005, the Court remanded the allegations of the supplemental petition and the admitted allegations of the amended petition to a referee for hearing. The parties were also ordered to file memoranda addressing whether temporary suspension was appropriate.

The referee hearing is currently scheduled for May 25 and 26, 2005, and a hearing on the issue of temporary suspension is set before the Court on June 2, 2005.

WHEREAS, respondent has concluded it is in respondent's best interest to enter into this stipulation,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned as follows:

1. Pursuant to the Rules on Lawyers Professional Responsibility (RLPR), the parties agree to dispense with further proceedings under Rule 14, RLPR, and respondent agrees to the immediate disposition of this matter by the Minnesota Supreme Court under Rule 15, RLPR. The parties agree that the referee hearing scheduled for May 25 and 26, 2005, and the hearing for temporary suspension scheduled for oral argument before the Supreme Court on June 2, 2005, are respectively cancelled.

2. Respondent understands this stipulation, when filed, will be of public record.

3. It is understood that respondent has certain rights pursuant to Rules 14 and 15, RLPR. Respondent waives these rights, which include the right to a hearing before a referee on the petition; to have the referee make findings and conclusions and a recommended disposition; to contest such findings and conclusions; and to a hearing before the Supreme Court upon the record, briefs and arguments.

4. The September 17, 2004, stipulation for discipline is hereby withdrawn. Respondent further withdraws his answer to the December 10, 2004, supplementary petition for disciplinary action. Respondent unconditionally admits for the purpose of this proceeding only the allegations in the August 23, 2004, amended petition for disciplinary action and the December 10, 2004, supplementary petition for disciplinary action.

5. Respondent understands that based upon these admissions, this Court may impose any of the sanctions set forth in Rule 15(a)(1) - (9), RLPR, including making any disposition it deems appropriate. Respondent understands that by entering into this stipulation, the Director is not making any representations as to the sanctions the Court will impose.

6. The Director and respondent join in recommending that the appropriate discipline is disbarment pursuant to Rule 15, RLPR, to be effective June 3, 2005. Respondent agrees to the imposition and payment of $900 in costs and $1306.30 in disbursements pursuant to Rule 24, RLPR.

7. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

8. Respondent hereby acknowledges receipt of a copy of this stipulation.

9. Respondent has been advised of the right to be represented herein by an attorney but has freely chosen to appear *pro se*.

IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Dated: May 20, 2005.

KENNETH L. JORGENSEN
DIRECTOR OF THE OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY
Attorney No. 159463
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345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

Dated: May 20, 2005.

CASSIE HANSON
ASSISTANT DIRECTOR
Attorney No. 303422

Dated: May 20, 2005.

JAMES P. MULVAHILL
RESPONDENT
326 South Broadway, #219
Wayzata, MN 55391